

## **REMARKS**

The courtesy of the interview granted to the undersigned and David Roberts of the United Kingdom on January 28, 2008 by Examiners Barlow and Le is appreciated. During the interview, the previous rejection was discussed in relation to Claim 37 and Kokubo U.S. Patent 4,871,912, which is the reference that has been cited against the claims. As explained during the interview, while Claim 37 was not going to be altered (and is not, above) it was noticed in preparing for the interview that inadvertently Claims 54 and 55 were missing the tuner limitation, although concluding, properly, with the updating. Therefore, further amendments were to be filed, and are set forth above, as explained immediately below.

The above amendments of all but Claims 54 and 55 are being made in order to correct certain of the claims upon review of them in order to have consistency and proper claim language. No substantive changes have been made to those claims.

Claims 54 and 55, however, have been amended to include language identical to subparagraph f) of Claim 37. Inadvertently, when the new claim set was being prepared, that subparagraph was omitted from the two claims. The concluding paragraph of each claim (now subparagraph g)) references the adjusted further parameter value, but getting to the adjusted further parameter value was inadvertently omitted and that has been corrected above. The claims are commensurate with Claim 37, and it is submitted that no new issue has been raised by this correction.

The formal drawings are also submitted herewith.

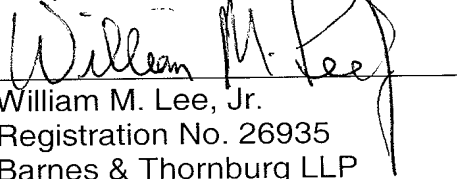
During the interview, the position of the applicants was explained in relation to the Kokubo reference. For the purposes of narrowing the issues, it is conceded here that Kokubo fulfills the requirements of subparagraphs a) through e) of Claim 37. That is, Kokubo goes to the extent of interpolation, if necessary, to define the further parameter value. However, Kokubo does not go any further, and does not have any tuner to enable a user to adjust the selected further parameter value. That is a fundamental difference between the claimed invention of the present application and Kokubo, and it is submitted that the claims therefore distinguish from Kokubo.

As explained previously, any transmission electron microscope shown in Kokubo, interpolation can be used to enable the instrument to operate even if a user selects a parameter value (for example, magnification) intermediate the values for which the associated other operating parameters have already been stored. However, Kokubo does not include the facility or means whereby the user can tune a parameter which has already been selected by the instrument either by being recalled from the memory or as a result of the interpolation process and to have that adjustment stored for subsequent use.

It is therefore submitted that the rejection of the application is in error, and the claims are in condition for allowance. The Examiner's further and favorable reconsideration in that regard is urged.

January 28, 2008

Respectfully submitted,

A handwritten signature in black ink, appearing to read "William M. Lee, Jr.", is written over a horizontal line. The signature is stylized with a large, looped "L" and "E" at the end.

William M. Lee, Jr.  
Registration No. 26935  
Barnes & Thornburg LLP  
P.O. Box 2786  
Chicago, Illinois 60690-2786  
(312) 214-4800  
(312) 759-5646 – Fax